

# DALE FARM HOUSING ASSOCIATION

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Mr Geoffrey Podger CB  
Chief Executive  
Health & Safety Executive  
5N.3 Redgrave Court  
Merton Road  
Bootle  
Merseyside L20 7HS

7 July 2010

## COMPLAINT RE: CONSTANT & CO (Bedford) LTD

Dear Mr Podger,

We wish to make a complaint that at Hovefields Drive, Wickford, Essex SS12 9JD, on 29 June 2010 Constant & Co (Bedford) of 66 Harpur Street, Bedford, Beds MK40 2RA (telephone 01234 340091, 01234 302277) failed to observe the law relating to demolition sites under the Construction (Design and Management) Regulations 2007, SI 320/2007 and other legislation.

Whilst the individual breaches are too numerous to detail we are particularly concerned at the breach of Regulation 13, especially Regulation 13(6). We believe furthermore that the entire operation was conducted in an unsafe and hazardous manner and trust that you will investigate.

On the morning of Tuesday 29 June 2010, Constant employees arrived at Hovefields Drive, Wickford. It was about 8 am. No notice of this work had been given. Bailiffs began knocking on caravans and mobile-homes giving occupants one hour to pack up and leave.

At about the same time low-loaders arrived bearing three heavy 'diggers' (**Photo 1** attached). Within half an hour of arrival the digger operators starting digging up plots where the owners were absent. These plots are covered in compacted hardcore and gravel or tarmac, designed to give a stable base for residential caravans and chalets.

Water and electricity were supplied to the plots. No attempt was made to ascertain pipe runs for clean, runoff, or sewage water. No attempt was made to ascertain electric cable runs. These services were disconnected by Constant's operatives without the involvement of representatives of the utility companies. No apparent precautions were taken to ensure electrical safety during 'live working'. No apparent precautions were taken to ensure that water supplies were not contaminated with sewage.

There were a number of buildings on these plots (**Photo 2**). Access to these buildings was not interdicted because, as **Photo 2** shows, a child was able freely to enter a building shortly before it was demolished.

These buildings are used as lavatories and for washing, and are connected to underground four thousand gallon cess tanks. No attempt had been made to empty the cess tanks before demolition work commenced. The tanks were breached. It was immediately apparent that foul sewage had contaminated the site because of the smell. The ground was so churned up that it is inevitable that sewage contaminated the ground and may enter run off to adjacent occupied properties and ground water. This amounts to an accidental release of a substance (raw sewage) which may damage health and is accordingly a Reportable Incident under RIDDOR. We trust that Messrs Constant have made a RIDDOR report. If they have failed so to do, please accept this as a Report.

No safety fencing was placed round the site, neither were there warning signs of any sort. The truth of these allegations may be judged from the photographs attached, including Press photos. Additional sets of photographs are being sent to you by email.

Whilst Constant had brought some proper metal safety fencing, though probably not enough sections, this was not erected but left in a pile on the ground. Two sections only were put up. Thus residents of Hovefields Drive, their neighbours and friends, the press who attended, as well as police officers, had free access to every part of the demolition site at all times and were able to approach close up to Constant's vehicles and the diggers, and even to climb onto a vehicle. All of these people were exposed to the hazards of heavy, working and moving machinery.

The contractors carrying out the work for Basildon District Council did not appear to be wearing proper personal safety equipment, such as hard hats, work boots, or waterproof clothing. No infection control measures were in place to deal with the breach of the cess tanks. Constant's own employees and their sub-contractors, including plant and lorry drivers, in addition to residents, among them children, were thus exposed to dangers.

The photographs supplied (see those in emails as well as attached here) clearly show that it is impossible to determine the boundaries of the demolition site and thus it is impossible to say whether materials were projected beyond the boundary of the site and thus make their projection reportable under RIDDOR.

The manager for Constant said that a risk assessment had been prepared for the demolition work at the Hovefields site. But they refused to show it to the residents and no copy has yet been produced. There was no apparent inspection of the demolition site by representatives of Basildon District Council and certainly no supervision of the demolition operation by them. The only BDC employees present were members of the Council's public relations department.

The information for this complaint has been supplied by Mr Malcolm Tully, of The New Life Church, resident at 1 Viking Way, Wickford SS11 7AJ (07963821637), Ms Zelda Jeffers, of Basildon (07982934425), whose statement is attached, and professional photographer Ms Mary Turner ([maryt03@googlemail.com](mailto:maryt03@googlemail.com)). All three are willing to be interviewed.

Your sincerely,

Grattan Puxon

**From:** Malcolm Tully (malcolmtully@blueyonder.co.uk)  
**To:** dale.farm@btinternet.com; t.lomax@dgllaw.co.uk;  
**Date:** Tuesday, 29 June, 2010 16:54:50  
**Cc:** shigeokobayashi80@msn.com; scraiggreene@yahoo.com;  
**Subject:** Dale Farm/Hovefields

Hi Everbody,

What dramas this am?!

It appears that some of Costains staff were expecting to start at Dale Farm this morning as 6/7 4WDives drove onto to site there early this am and then turned and drove away without unloading anybody!

So I ended up at Hovefields and met Costains foreman./manager/man in charge who said, I think, his name was Brian Formarsh?? He insisted they he had submitted an acceptable Safety Risk Analysis to BDC but didn't have a copy on site. He was "convinced that BDC had done all that was necessary to proceed with the demolitions including any necessary 28 day notices and ensured the sites were vacant."

It was clear that Kathleen Rooney's/John Ox' permanent structure was clearly occupied (John Ox is in hospital, I think in London.) After speaking to Tom Lomax who confirmed that Ms Brown at BDC would order a stay of demolition on that building and enclosure [but only after water and electricity had been cut off] Advising Costains man of this he soon received confirmation and concentrated on the other sites. However whilst he was happy to reinstate the water, having severed the supply cable the electrician on site insisted the supply was illegally connected originally. Despite Costain's presumed trespass and failing to reinstate their power supply they implied they would rely on the Travellers to undertake any reconnection.

All this calls into to question Costains original reliance on BDC to have undertaken all the necessary legal requirements. The only BDC staff on site were two young Public Relations staff who had no useful knowledge of the instructions under which Costains were operating. Certainly young children 8/12 years old were being allowed onto the demolition site next to the diggers and machinery as photographs will confirm and the only restrictions were provided by just 2 free-standing wire mesh screens which only restricted access and egress on the access roadway!

Sue Craig-Greene did well to get a photographer on site at such short notice as the only warning apparently was a verbal one giving one hour's notice of demolition!

Velda was great at engaging with the police particularly when a 'two-pipped' officer from Colchester turned up eventually although he claimed no direct relationship with the Travellers work!!!

Other police were just lookers on as were the original Police Support Officers.

As to paper work, Sylvia Taylor insisted on signing Legal Aid forms which Grattan tells me are merely duplicates of what we already have and Kathleen Rooney insists she is already represented by a Sue Green who she thinks is a solicitor in Birmingham and is not worried about Tom performing on her behalf!!!!

I am sure you will be collecting the various reports including the newspapers, ITV who arrived late, and other probably independant camera operators not to mention John Austin!!

All this seems to prove that Costains have made no changes to the way they operate on site!

Anyway speak to you all soon.

Regards

Malcolm.